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TO AMEMBASSY SANAA IMMEDIATE

C O N F I D E N T I A L STATE 123051

E.O. 12958: DECL: 11/18/2018
TAGS: [KDRG](#) [PHUM](#) [PINR](#) [PTER](#) [YM](#)

SUBJECT: DIPLOMATIC NOTE FOR THE TRANSFER OF GTMO DETAINEE HAMDAN

Ref A. SANAA 01853
[1](#)B. 11/03/08 Seche-Cretz e-mail

Classified By: NEA DAS Gene Cretz, for reasons 1.4 b and d.

[1](#)1. (U) This is an action request. See paragraphs 3 and 4.

SUMMARY

[1](#)2. (C) The Department thanks Post for its work to develop an agreement with the Government of Yemen (ROYG) to accept the transfer of GTMO detainee SALEM AHMED SALEM HAMDAN (ISN 149) with a commitment to detain him until the end of his Office of Military Commissions (OMC) prison sentence. Based on reftel A, Post is requested to finalize the specifics of the Hamdan transfer with the ROYG and deliver the ROYG's requested dipnote. END SUMMARY.

OBJECTIVES

[1](#)3. (C) The Department asks that Post develop and deliver a diplomatic note that includes the following:

-- Refer to the sentencing information for detainee Hamdan, which was previously presented to the ROYG, and request for confirmation that the ROYG intends to hold Hamdan until his sentence is completed on December 27, 2008.

-- Remind the ROYG of the security and humane treatment assurances received from the ROYG related to previous GTMO detainee transfers, and request for confirmation that these assurances, including adherence to Yemen's obligations under the Convention Against Torture and US or third party access will apply to Hamdan.

-- Apprise the ROYG of the U.S. plan to transport detainee SALEM AHMED SALEM HAMDAN from GTMO to on November 25, 2008, if all logistical issues can be resolved. (Note: As with any GTMO detainee movement, unforeseen equipment or weather issues could cause a delays.)

--Note that the USG request that Yemen hold Hamdan extends only to the end of his sentence on December 27, 2008. Following that date, the ROYG should take whatever steps it deems appropriate to mitigate the threat posed by Hamdan in accordance with applicable law and the security assurances it has given in connection with prior transfers, but we should be clear that we are not requesting detention past December 27.

[1](#)4. (C) In addition to the diplomatic note, the Department requests that Post:

-- Note to the ROYG that the arrival time on the 25th can be altered; ask if there is a specific time of day that they would prefer.

-- Ask that the ROYG provide associated air clearances for U.S. military aircraft to land in Yemen and request that the ROYG designate a point of contact who will be able to work with TRANSCOM to coordinate this transfer.

-- Note to the ROYG that the airplane used for the movement will likely require refueling on the ground in Yemen.

-- Ask the ROYG to provide a point of contact within the ROYG that will assist Hamdan's defense counsel with contacting Hamdan during his time in Yemeni detention.

-- Convey to host government officials that we would again appreciate their willingness to recognize the sensitive nature of the upcoming transfer and to treat it as confidential information prior to the completion of the transfer, as was done on previous occasions. However, the completed transfer may be announced after it has taken place. DoD will make an announcement of the transfer flight after the mission is complete.

REPORTING DEADLINE

15. (C) Post should report the results of its effort by cable to S/WCI and NEA as soon as possible.
RICE

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